

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

IN RE:	§	
	§	
Sean C. Fabich	§	Case Number: 20-52835
	§	Judge Hoffman
	§	
Debtor	§	Chapter 13

**DEBTOR'S AMENDED OBJECTION TO PROOF OF  
CLAIM NUMBER 1 FILED BY U.S. BANK TRUST, N.A.,  
AS TRUSTEE OF THE IGLOO SERIES III TRUST**

The debtor, Sean C. Fabich, by and through counsel, moves this Court for an order sustaining his objection to the proof of claim filed by U.S. Bank Trust, N.A., as Trustee of the Igloo Series III Trust (Claim No. 1). He requests the claim be allowed in the amount of \$8,522.82 fully secured. A memorandum in support of this objection is attached.

Respectfully submitted,

/s/ Michael Ryan Jones  
Michael Ryan Jones (0083772)  
The Jones Law Firm, LLC  
7370 E. Main Street  
Reynoldsburg, OH 43068  
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[mjones@jonesbankruptcy.com](mailto:mjones@jonesbankruptcy.com)

**MEMORANDUM IN SUPPORT**

Claimant name: U.S. Bank Trust, N.A., as Trustee of the Igloo Series III Trust  
Date Claim was Filed: August 17, 2020  
Proof of Claim Number 1

On August 17, 2020, U.S. Bank Trust, N.A., as Trustee of the Igloo Series III Trust (“U.S. Ban”) filed a proof of claim (Claim No. 1) in this case. The total amount of the claim is \$22,216.02 and it is fully secured. The claim represents a mortgage on the debtor’s residential real estate located at 223 North Monroe Avenue, Columbus, OH 43203. The claim consists of \$16,621.31 in principal balance, \$1,083.76 in interest due, \$3,086.80 in fees and costs due, and \$1,424.15 in funds advanced for escrow. In the debtor’s amended Chapter 13 plan, he proposes to pay this claim in full during the term of the plan pursuant to 11 U.S.C. § 1322(c)(2) (*see* ECF No. 15, pg. 4). The debtor proposes this treatment because the mortgage loan matured in January 2020, which was prior to the petition date.

After reviewing the claim, the debtor and counsel have determined that several payments the debtor has made have not been credited to the loan. The debtor successfully completed a prior Chapter 13 plan in August 2018. *In re Sean Fabich*, Case No. 13-22598 (Bankr. W.D. Penn. 2013). When that plan completed, the balance of the mortgage was \$16,621.31. The proof of claim in this case indicates the debtor has made no payments since the end of that plan. However, the debtor has made several payments, which are listed as follows:

<b><u>Date</u></b>	<b><u>Payment Amount</u></b>
08/14/2018	\$1,242.00
09/18/2018	\$1,263.00
10/16/2018	\$400.00
10/23/2018	\$300.00
10/30/2018	\$320.00
12/20/2018	\$850.00
01/05/2019	\$200.00

03/12/2019	\$630.00
04/01/2019	\$660.00
05/06/2019	\$400.00
05/08/2019	\$400.00
06/06/2019	\$480.00
07/19/2019	\$2,000.00

None of these payments are reflected in U.S. Bank's claim.

After factoring these payments in, the debtor asserts that the claim should consist of \$8,140.46 in principal due and \$382.36 in interest due. The debtor asserts that no fees or costs should be allowed in this claim because the claim is materially deficient. None of the payments the debtor made since August of 2018 have been credited to the account. None of the costs and fees in this claim can be relied on. Therefore, the debtor respectfully requests this Court sustain this objection and allow U.S. Bank's claim only in the amount of \$8,522.82 fully secured.

Respectfully submitted,

/s/ Michael Ryan Jones  
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**NOTICE OF AMENDED OBJECTION TO PROOF OF CLAIM**

Sean C. Fabich has filed an objection to your proof of claim in this bankruptcy case.

**Your claim may be reduced, modified, or eliminated.** You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the court to reduce, modify, or eliminate your claim, then on or before **thirty (30) days from the date set forth in the certificate of service for the objection to proof of claim**, you must file with the court a response explaining your position by mailing your response by ordinary U.S. Mail to U.S. Bankruptcy Court, 170 N. High Street, Columbus, Ohio 432154 OR your attorney must file a response using the court's ECF system.

The court must **receive** your response on or before the above date.

You must also send a copy of your response either by 1) the court's ECF System or by 2) ordinary U.S. Mail to:

Sean C. Fabich  
223 North Monroe Avenue  
Columbus, OH 43203

**AND**

Michael Ryan Jones  
The Jones Law Firm, LLC  
7370 E. Main Street  
Reynoldsburg, OH 43068

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the objection and may enter an order reducing, modifying, or eliminating your claim without further notice or hearing.

**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the attached Debtor's Amended Objection to Amended Proof of Claim Number 4 was served on the following parties on September 14, 2020:

***Via CM/ECF system:***

Faye D. English  
Chapter 13 Trustee  
10 West Broad Street  
Suite 1600  
Columbus, OH 43215-3419

U.S. Trustee  
170 N. High Street, Suite 200  
Columbus, OH 43215

***By regular U.S. mail:***

Sean C. Fabich  
223 North Monroe Avenue  
Columbus, OH 43203

BSI Financial Services  
1425 Greenway Drive, Suite 400  
Irving, TX 75038

Martha R. Spaner  
Reisenfeld & Associates LLC  
3962 Red Bank Road  
Cincinnati, OH 45227

Respectfully submitted,

/s/ Michael Ryan Jones  
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